

**UNITED STATES FEDERAL COURT
DISTRICT OF PUERTO RICO**

BERKEY INTERNATIONAL, LLC,
Plaintiff,

v.

ENVIRONMENTAL PROTECTION AGENCY,
MICHAEL S. REGAN, Administrator, CHRISTINE
TOKARZ, and DAVID COBB, in their official capacities
Defendants.

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CIVIL CAUSE NO.
24-cv-1106

JURY TRIAL
DEMANDED

TEMPORARY RESTRAINING ORDER

Before the Court is Plaintiff’s Original Complaint and Application for Temporary Restraining Order, Preliminary Injunction, and Permanent Injunction and its exhibits (“Application”, Doc. 1), and Plaintiff’s Renewed Application. Plaintiff’s Application for Temporary Restraining Order. Based upon the pleadings and exhibits filed by Plaintiff and presented to the Court, the Court **GRANTS** the application, based on the following **FINDINGS**:

A. Unless Defendants and its are immediately restrained, Defendant may enforce its Stop Sale, Use, or Removal Orders (“SSUROs”) during the pendency of this suit, depriving Plaintiff of control of its business as described in the Application and potentially causing Plaintiff to be dispossessed of its property and take legal action against Plaintiff, causing it to suffer immediate and irreparable harm and will have no adequate remedies under the law, and Defendant may commit the foregoing before notice and hearing on Plaintiff’s Application.

B. Plaintiffs will suffer an irreparable harm if Defendants and its agents are not restrained immediately because Defendant has issued SSUROs against Plaintiff and its agents and allied vendors regarding Berkey Products and their businesses without due process, threatening contracts with the government of Puerto Rico and control over their property, there is no adequate remedy at law to grant Plaintiff complete, final, and equitable relief.

C. Plaintiff provided notice to Defendants through electronic communication with Defendants' agents in the aforementioned lawsuit, of the filing of Plaintiff's Application for Temporary Restraining Order at least since March 6, 2024.

IT IS THEREFORE ORDERED that Defendants and its agents are hereby ORDERED to immediately cease and desist from issuing and enforcing SSUROS under Section 13(a) of FIFRA, 7 U.S.C. § 136k(a) against Berkey Products, as identified by Plaintiff in its *Original Complaint*, Plaintiff, and its agents. Defendants and their agents are hereby immediately restrained from entry of this Order until fourteen (14) days hereafter, or until further ordered by this Court.

IT IS ALSO ORDERED that Plaintiff's Application be heard on the ____ day of _____, 2024, starting at _____ a.m./p.m. by:

1. Zoom, Teams, or other virtual means, as will be detailed by the Court, or
2. in the courtroom of the District Court of Puerto Rico located at _____ and that the Defendants are commanded to appear and show cause, if any, why a preliminary injunction should not be issued against them.

The Clerk in the above-entitled court shall issue a notice of entry of a temporary restraining order in conformity with the law and the terms of this Order, to include a copy of this Order, upon the filing by Plaintiff of the bond hereinafter set.

This Order shall not be effective until Plaintiff deposits with the Office of the Clerk for the United States District Court District of Puerto Rico, a bond in the amount of \$100, in due conformity with applicable law. The bond may be in the form of cash, cashier's check, or a check drawn from operating account of Plaintiff's attorney's law firm.

SIGNED and ENTERED this the ____ day of March 2024, at _____ a.m./p.m.

JUDGE PRESIDING